

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Crl.MC.No. 3820 of 2007()

ST.1439/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT-
II,PATHANAMTHITTA
.....

PETITIONER: ACCUSED

LEELAMONY P.G.,
AGED 43 YEARS, D/O.GOPALAKRISHNAN NAIR,
PADINJARE PUTHUSSERIL,
VADASSERIKKARA, PATHANAMTHITTA.

BY ADV. SRI.R.VINOD

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.3820 of 2007

Dated this the 19th day of December, 2007

O R D E R

Petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Cognizance was taken as early as in 2006. The petitioner was served. She had entered appearance through counsel. But later, she started not appearing. Coercive processes have been issued by the learned Magistrate against the petitioner. The petitioner finds such processes chasing her.

2. According to the petitioner, she is absolutely innocent. Her absence earlier was not wilful or deliberate. She is willing to surrender before the learned Magistrate and apply for bail. But she apprehends that her application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-

